

**REMARKS**

**I.     Status of Claims**

Claims 10-18 are pending in the application. Claims 10 and 13 are independent and claim 10 is currently amended.

Claims 13, 14, 17 and 18 stand rejected under 35 USC 102(b) as allegedly being anticipated by Kronner et al. (2002/0021015) (“Kronner”).

Claims 10-12 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Watanabe et al. (USP 4,514,008) (“Watanabe”) in view of Kronner.

The Applicant respectfully requests reconsideration of these rejections in view of the following remarks.

**II.    Information Disclosure Statement**

The Office Action indicates that an Information Disclosure Statement was filed January 1, 2006 that failed to comply with 37 CFR 1.98(a)(2) which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

The Applicant respectfully submit that they did not file an IDS on January 1, 2006. Therefore, the Applicant respectfully requests clarification and/or removal of this objection.

**III.   Allowable Subject Matter**

Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

**IV. Pending Claims****i. Independent claim 10**

Independent claim 10 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Watanabe in view of Kronner.

The Applicant respectfully submits that claim 10 is patentable over the cited references at least because it recites, "...a protection member provided only on a vehicle rear side relative to said vehicle battery pack and protecting the vehicle battery pack."

With respect to Watanabe, although this reference may disclose a tunnel 2 and a rocker 29, the Applicant respectfully submits that it does not disclose a mounting structure for a battery as claimed. More specifically, although the Office Action alleges that Watanabe disclosed a battery, the Applicant respectfully submits that it appears that Watanabe discloses a fuel tank and not a battery.

Regarding Kronner, this reference discloses a battery 10 located under a front seat, and a battery 10 fixed by a support 16 and straps 22, 24; however, in contrast to certain embodiments of the present application, the Applicant respectfully submits that Kronner does not disclose a tunnel and rocker as recited in Applicant's claim 10. In addition, the support 16 and straps 22, 24, which serve as protection members in Kronner, are both provided on the front and back sides of the vehicle.

Therefore, the Applicant respectfully submits that its claim 10 is at least distinguished from Watanabe and Kronner because it recites "the protection member is provided only on a vehicle rear side relative to the battery pack." In certain embodiments of the present invention, since a protection member is not provided on a front side of the vehicle, serviceability of the vehicle can be improved.

The Applicant respectfully submits that, for at least these reasons, claim 10 and its dependent claims are patentable over the cited references.

**ii. Independent claim 13**

Independent claim 13 stands rejected under 35 USC 102(b) as allegedly being anticipated by Kronner.

The Applicant respectfully submits that claim 13 is patentable over the cited references at least because it recites, "...wherein said vehicle battery pack includes a battery main body unit and a device unit, and said device unit is provided on the vehicle rear side relative to said battery main body unit."

With respect to Kronner, the Applicant respectfully submits that Kronner at least does not disclose a battery pack having a battery main body unit and a device unit as claimed. For example, the Applicant respectfully submits that Kronner does not disclose a device unit that is provided on the vehicle rear side relative to said battery main body unit.

The Applicant respectfully submits that, for at least these reasons, claim 13 and its dependent claims are patentable over the cited references.

**V. Conclusion**


In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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